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SB 909 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Statement for Senate Committee on Economic Development and
Ecology, Environment, and Recreation
Public Hearing, 3 March 1983

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SB 909 would amend the Environmental Impact Statement (EIS) system act (HRS 343), eliminating changes of Conservation District boundaries from the coverage of the system. The opinions expressed in this statement on the bill are based on long and intimate experience with the operation of the EIS system. The statement does not reflect an institutional position of the University of Hawaii.

It has been our opinion in the Environmental Center that it is illogical that HRS 343 provide explicitly for the coverage of actions within Conservation Districts without providing explicitly also for the coverage of proposals of changes in Conservation District boundaries. Actions of the latter sort obviously have greater potential for environmental detriment.

In a decision last year, the State Supreme Court held that EIS-system coverage of proposed Conservation District boundary amendments is implicit in by the language of HRS-343. SB 909 would amend HRS 343 to explicitly exclude "petitions for state land use boundary amendments". This amendment is not consistent with our experience that land use boundary changes are of substantial environmental significance. The rationale expressed for the proposed amendment is that information on the environmental implications of land-use-district boundary changes is provided to the Land Use Commission by other means than the EIS system. However, the other means do not provide the same extent of public review and criticism of the information as is provided through the EIS system.

We note that another bill, SB 766, rather than exempting reclassification of Conservation District lands from EIS-system coverage, would explicitly include them in the coverage of the system. This provision of SB 766 is consistent with the purposes of establishing the Conservation District and the EIS system. The provisions of the present bill, SB 909, are not consistent with these purposes.